

R E M A R K S

Claims 1-3 and 7-14 are pending in this application. The rejection of claims 1-3 and 7-14 under 35 U.S.C. 112, first paragraph, is respectfully traversed in view of the elimination of the "single layer" limitation. Likewise, the preambles to claims 7-14 need not be amended in view of the elimination of this language.

The rejection of claims 1-3, 7, 8 and 11-14 under 35 U.S.C. 102(e) as being anticipated by the Abstract of Japanese Patent 09147916 is respectfully traversed. This reference relates to a non-aqueous secondary battery composed of a positive electrode and/or negative electrode, which has a protective layer consisting of solid particles and water-soluble polymer. This reference discloses that inorganic chalcogenide particles (containing at least one member of the oxides of sodium, potassium, magnesium, calcium, strothium, circonium, aluminum and silicon) as the solid particles and "polyacrylic derivatives or cellulose derivatives" as the water-soluble polymer are provided. Although some components of the water-soluble polymer forming the protective layer correspond to some surface active materials, the electrode of the present invention contains none of any inorganic chalcogenide particles. Thus, the present invention is different from the subject matter of this reference.

In view of the foregoing argument and amendment, reconsideration of the final rejection of all claims is respectfully solicited.

Applicants note that claims 9 and 10 have not been rejected over the prior art reference of the Japanese Abstract of Japanese Patent 09147916. This Abstract does not require a

chalcogenide particle. Merely this reference discloses a thin single layer of polymer of cellulose or acrylic coated material protecting graphite particles. This is not identical with what is disclosed in the present application which claims a negative electrode of a lithium ion secondary cell which consists of graphite material, wherein the graphite is coated with a surface active material that has not been graphitized by heat treatment and consists essentially of at least one of the following materials: starch, viscous polysaccharides, water-soluble cellulose derivatives having a basic repeating unit structure as defined and water-soluble synthetic resins. The Abstract of Japanese Patent Publication 09147916 does not disclose what is now claimed. Therefore, the rejection of claims 1 and those claims depending on it under 35 U.S.C. 102(e) is respectfully traversed. There is no anticipation by this Japanese Patent Publication. In fact, claims 9 and 10 have never been rejected by the Examiner as anticipated by Japanese Patent 09147916.

No other references are now applied against the claims. The basis for rejection under 35 U.S.C. 112, first paragraph, has been removed and no longer applies to the claims.

Accordingly, reconsideration and favorable action and allowance is respectfully solicited.

The Examiner is respectfully requested to enter this Reply After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Reply After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully

requested to contact Edward H. Valance (Reg. No. 19,896) at the telephone number of the undersigned below.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of §§110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Edward H. Valance #19896
Joseph A. Kolasch, #22,463

JAK/EHV:bmp

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Version with Markings to Show Changes Made

(Rev. 02/20/02)

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS:

The claims have been amended as follows:

Claim 1. (Five times amended) A negative electrode of a lithium ion secondary cell which is [composed of] consisting of graphite material for occluding or releasing lithium ions, wherein said graphite material has adsorbed or is coated with a [single molecular] layer of surface active material that (1) has not been graphitized by heat treatment and (2) consists essentially of at least one member selected from the group consisting of starch derivatives having a basic repeating unit structure of $C_6H_{10}O_5$; viscous polysaccharides having a basic repeating unit structure of $C_6H_{10}O_5$; water-soluble cellulose derivatives having a basic repeating unit structure $C_6H_{10}O_5$, and water-soluble synthetic resins.